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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/800,583 02/18/97 MARTIN

W ZMYJ-01-116

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EXAMINER

34M1/0917

THOMAS J BURGER  
WOOD HERRON AND EVANS  
2700 CAREW TOWER  
CINCINNATI OH 45202

CIRIC:1

ART UNIT	PAPER NUMBER
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3406

DATE MAILED:

6

09/17/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

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WASHINGTON, D.C. 20231

## NOTICE OF ALLOWANCE AND ISSUE FEE DUE

34M1/0917

THOMAS J BURGER  
WOOD HERRON AND EVANS  
2700 CAREW TOWER  
CINCINNATI OH 45202

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/800,583	02/18/97	013	CIRIC, L.	3406 09/17/97
First Named Applicant	MARTIN, WALTER JOSEF			

TITLE OF INVENTION  
IRE GRATE, IN PARTICULAR FOR WASTE INCINERATORS

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEES DUE	DATE DUE
3 ZMYJ-01-116	110-281.000	R85	UTILITY	YES	\$645.00	12/17/97

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.  
PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS  
APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

### HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.  
If the SMALL ENTITY is shown as yes, verify your current SMALL ENTITY status:

A. If the status is changed, pay twice the amount of the FEE DUE shown and notify the Patent and Trademark Office of the change in status, or  
B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

A. Pay FEE DUE shown above, or  
B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B of this notice should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "6b" of Part B should be completed.

III. All communications regarding this application must give application number and batch number. Please direct all communication prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

<b>Notice of Allowability</b>	Application No. <b>08/800,563</b>	Applicant(s) <b>Martin et al.</b>
	Examiner: <b>Ljiljana V. Ciric JVC</b>	Group Art Unit <b>3406</b>

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

- This communication is responsive to the telephonic interview on September 15, 1997.
- The allowed claim(s) is/are 1-13.
- The drawings filed on Feb 18, 1997 are acceptable.
- Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - All    Some\*    None    of the CERTIFIED copies of the priority documents have been
    - received.
    - received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
    - received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \*Certified copies not received: \_\_\_\_\_.
- Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
- Applicant MUST submit NEW FORMAL DRAWINGS
  - because the originally filed drawings were declared by applicant to be informal.
  - including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. \_\_\_\_\_.
  - including changes required by the proposed drawing correction filed on \_\_\_\_\_, which has been approved by the examiner.
  - including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

- Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

#### Attachment(s)

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). 2,3
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152
- Interview Summary, PTO-413
- Examiner's Amendment/Comment
- Examiner's Comment Regarding Requirement for Deposit of Biological Material
- Examiner's Statement of Reasons for Allowance

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### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Burger on September 15, 1997.

2. The application has been amended as follows:

In the specification:

On page 3, lines 4 and 19: Delete ‘ “piston-shirt” ’ and replace with --piston sleeve--.

On page 3, lines 27-28: Delete “no-sticking” and replace with --without sticking--.

On page 9, line 13: Delete “piston shirt” and replace with --piston sleeve--.

On page 11, line 18: Delete “piston shirt” and replace with --piston sleeve--.

On page 12, line 15: Delete “piston shirt” and replace with --piston sleeve--.

In the claims:

Claim 1, line 1: Immediate preceding “waste”, insert --a--.

Claim 1, line 2: Delete “incinerators” and replace with -incinerator having a combustion chamber  
defined by a surrounding oven wall-.

Claim 1, lines 20-21: Delete ‘ “piston-shirt” ’ and replace with --piston sleeve--.

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Claim 2, line 2: Delete ““piston-shirt”’ and replace with --piston sleeve--.

Claim 9, lines 3-4: Delete “, particularly the corresponding grate border plate (13),”.

Claim 10, lines 4-5: Delete “the grate side plate (12, 13), particularly”.

Claim 11, lines 4-5: Delete “the grate side plate (12, 13), particularly”.

3. The following is an examiner's statement of reasons for allowance: The claims, as amended, overcome the prior art of record because the prior art of record fails to show a tensioning device for the grate bars of a fire grate in a waste incinerator wherein the tensioning device comprises a cylinder open towards the combustion chamber and a hollow piston guided therein, which is charged by a spring element, the piston being securely fastened to the grate side plate and sealingly guided by a piston sleeve.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. *Lower, Beers, Owen, Kropf, Lecointre, Cole et al.*, and *Markus et al.* all disclose tensioning devices for use in furnaces in conjunction with fire grates.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ljiljana (Lil) V. Cirlc, whose telephone number is (703) 308-3925. The examiner can normally be reached on normal business days from 8:30 a.m. to 5:00 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus, can be reached on (703) 308-1935. The fax phone number for this Group is (703) 308-7764.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

lvc *JYC*

September 15, 1997

*Jcrys*  
**JAMES C. YEUNG  
PRIMARY EXAMINER  
ART UNIT 346**